

**ASSEMBLY BILL**

**No. 1214**

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**Introduced by Assembly Member Nava**

February 27, 2009

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An act to add Section 10053 to the Insurance Code, relating to fire insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1214, as introduced, Nava. Fire insurance: underwriters' corps: liability.

Existing law authorizes any domestic corporation of insurance underwriters to maintain an underwriter's corps. Under existing law, an underwriter's corps is defined as a group of persons with officers and equipment, maintained to discover and prevent fires and to save life and property from fire. Under existing case law, an employer can be held liable for the tortious or criminal acts of employees committed within the course and scope of employment.

This bill would state that an insurance company employing a private firefighting company shall be liable for injury to a 3rd party caused by a civil or criminal act or omission of the firefighting company committed within the course and scope of the work for which the insurance company contracted with the firefighting company.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 10053 is added to the Insurance Code,  
2     to read:

1     10053. Any insurance company admitted to do business in  
2 California that employs a private firefighting company for purposes  
3 of providing emergency response services shall be liable for injury  
4 to a third party or damage to property from a criminal or civil act  
5 or omission of the company committed within the course and scope  
6 of the work contracted for with that private firefighting company.

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